

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

Plaintiff,

ORDER FOR
PSYCHIATRIC
HOSPITALIZATION

05-MJ-4100L

v.

CHRISTOPHER L. MARTIN,

Defendant.

By order entered January 10, 2006, United States Magistrate Judge Marian W. Payson ordered that the defendant, Christopher L. Martin ("Martin"), be examined at a Federal Medical Facility to determine if Martin is presently suffering from a mental disease or defect rendering him unable to understand the nature and consequences of the proceedings against him and to assist properly in his defense. Pursuant to that order, a forensic mental health evaluation was conducted at the Devens Federal Medical Center, Ayer, Massachusetts. That forensic report, dated March 30, 2006, concluded, in part, that Martin presently suffers from a severe psychotic disorder which constitutes a mental disease or defect rendering Martin unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense. That report recommended that Martin be committed for further evaluation and treatment.

On April 7, 2006, defendant's counsel appeared at a proceeding before this Court and Magistrate Judge Payson, waived the presence of Martin, accepted the report from the Devens Medical Facility and waived a hearing. Defense counsel had no opposition to the Bureau of Prisons conclusion that Martin is currently suffering from a mental disease or defect that renders him

incompetent to stand trial and that an additional period of treatment is necessary to determine if there is a probability that Martin will become competent.

On this date, April 7, 2006, Magistrate Judge Payson issued an oral Report and Recommendation, in open court, that Martin be hospitalized for further treatment pursuant to 18 U.S.C. § 4241(d)(1).

I have reviewed Magistrate Judge Payson's oral Report and Recommendation and I have also reviewed the forensic report submitted from the Devens Medical Center. I accept and adopt Magistrate Judge Payson's Report and Recommendation and it is, therefore hereby

ORDERED that the defendant, Christopher Martin, be hospitalized for treatment at a suitable federal medical facility, pursuant to Title 18, United States Code, § 4241(d)(1) for a reasonable period of time, not to exceed four (4) months, to determine whether there is a substantial probability that in the foreseeable future the defendant will attain the capacity to stand trial, and it is further

ORDERED that the Bureau of Prisons shall timely submit a report to this Court concerning its conclusions concerning Martin's competency, and it is further

ORDERED that at the conclusion of the hospitalization, the defendant shall be returned to the custody of the United States Marshal, Rochester, New York.

IT IS SO ORDERED.

A handwritten signature in black ink, reading "David G. Larimer", is written over a horizontal line.

DAVID G. LARIMER
United States District Judge

Dated: Rochester, New York
April 7, 2006.